

Michael J. Domino, President  
John M. Bredemeyer III, Vice-President  
Glenn Goldsmith  
A. Nicholas Krupski  
Greg Williams



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**BOARD OF TOWN TRUSTEES**  
**TOWN OF SOUTHOLD**

**Minutes**

**Wednesday, April 5, 2018**

**5:00 PM**

**Present Were:** Michael J. Domino, President  
John M. Bredemeyer, Vice-President  
Glenn Goldsmith, Trustee  
A. Nicholas Krupski, Trustee  
Greg Williams, Trustee  
Elizabeth Cantrell, Senior Clerk Typist  
Damon Hagan, Assistant Town Attorney

**CALL MEETING TO ORDER**  
**PLEDGE OF ALLEGIANCE**

**NEXT FIELD INSPECTION:** Wednesday, April 11, 2018 at 8:00 AM  
**NEXT TRUSTEE MEETING:** Wednesday, April 18, 2018 at 5:30 PM at the  
Main Meeting Hall

**WORKSESSIONS:** Monday, April 16, 2018, at 4:30 PM at the Town Hall Annex 2nd  
floor Board Room, and on Wednesday, April 18, 2018, at 5:00 PM  
at the Main Meeting Hall

**APPROVE MINUTES:** Approve Minutes of March 23, 2018

**TRUSTEE DOMINO:** Good evening and welcome to our special Thursday  
April 5th, 2018 meeting. At this time I would like to call the meeting to order and  
ask that you stand for the pledge  
(Pledge of Allegiance).

I would like to recognize the people on the dais. To my  
left is Trustee Bredemeyer, Trustee Goldsmith, Trustee Krupski  
and Trustee Williams. To my right is Assistant Town Attorney  
Damon Hagan, Senior Clerk Typist Liz Cantrell and also with us  
tonight, stenographer Wayne Galante. And from the Conservation  
Advisory Council, John Stein.

Agendas can be found on the podium and out in the hall. And  
I would like to list at this time the postponements.  
Postponements are for a host of different reasons, usually

people have not submitted their paperwork.

On page ten, we have numbers one and two,

En-Consultants on behalf of **MATTITUCK PROPERTY FAMILY TRUST** request an Amendment to Wetland Permit #8996 to construct a  $\pm 20$  linear foot landward extension onto the recently constructed low-profile vinyl groin. Located: 520 Park Avenue Extension, Mattituck. SCTM# 1000-123-2-28.4, has been postponed.

And number two, Michael Kimack on behalf of **JOHN AND KORI ESTRADA** request a Transfer of Wetland Permit #4096 from David B. Tuthill to John and Kori Estrada as issued on December 10, 1992, and Amended on June 1, 1993; and for an Amendment to Wetland Permit #4096 to construct a 4'x8' fixed dock extension using Thru-Flow decking and two (2) 8" diameter dock pilings onto the seaward end of existing fixed dock for a new total length of 58'; reconfigure existing floating dock to an "L" shape configuration; relocate the existing two sets of floating dock securing two-batter pilings; and install one 8"-10" tie-off piling approximately 15' to the west from the new floating dock location. Located: 2350 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-7, has been postponed.

On page eleven, under Wetland & Coastal Erosion, we have number four, DKR Shores, Inc. on behalf of **MARIJO C. ADIMEY & VERONICA M. LUGRIS** requests a Wetland Permit and a Coastal Erosion Permit to remove and replace in-place 84' of existing vinyl bulkhead with new steel sheet piling bulkhead; install two (2) 20' long returns; backfill disturbed area with 45 cubic yards of clean fill from an upland source; re-vegetate disturbed areas with Cape American beach grass and native species of shrubs; temporarily remove and replace in-place existing bluff stairs with two (2) 12'x16' decks; reconstruct existing 4'x5' cantilevered platform and aluminum beach access stairs; and install French drains at top of bluff to reduce rain runoff on the bluff face. Located: 21515 Soundview Avenue, Southold. SCTM# 1000-135-1-5, has been postponed.

On page 12 we have number five, **SCOTT KAUFMAN** requests a Wetland Permit and a Coastal Erosion Permit to remove existing damaged stairway and terrace retaining walls; construct along eroding toe of bluff approximately 210 linear feet of stone revetment, including angled westerly return, all consisting of approximately 3 to 5 ton stone placed over 50 to 100 pound core stone and filter cloth; restore bluff face using terrace retaining walls, approximately 600 cubic yards of sand re-nourishment (including approximately 350 cubic yards to cover proposed revetment), and native plantings; construct a  $\pm 3'$  wide berm with  $\pm 50$  cubic yards of sand/loam within 15' wide vegetated non-turf buffer to be established adjacent to bluff crest to control storm-water runoff; and construct a new 4'x $\pm 50'$  elevated bluff stairway with landings and handrails consisting of 4' wide x  $\pm 3'$  long entry steps at top of bluff down to a 4'x8' upper platform with bench to 4' x  $\pm 8'$  steps to a 4'x8' middle landing with bench to 4' x  $\pm 10'$  steps to a 4'x4' middle landing to 4' x

±8'steps to a 4'x6.7' lower landing to 4' x ±14' stairs to beach. Located: 2050 Dignans Road, Cutchogue. SCTM# 1000-83-2-7.3, has been postponed.

And on pages 14, 15 and 16, we have numbers ten through 19, have been postponed. They are listed as follows:

Number ten, En-Consultants on behalf of **RYAN STORK** requests a Wetland Permit to remove and replace in-place approximately 168 linear feet of storm-damaged concrete seawall and 68' westerly concrete return with vinyl bulkhead and return; construct new ±7' easterly vinyl return; remove and replace 3'x6' metal stairs to beach; remove and replace in-kind/in-place approximately 51 linear feet of storm-damaged timber retaining wall (±77' timber retaining wall to remain); backfill new bulkhead and re-nourish storm-eroded embankment with approximately 240 cubic yards of clean sand fill to be trucked in from an approved upland source; revegetate re-nourished and disturbed areas of embankment with native vegetation; remove existing storm-damaged concrete stairs and construct a timber stairway consisting of an upper 3'x6' steps, a 3.5'x4.5' landing, 4.5'x11' steps, a 4.5'x6.5' landing, and 3'x11' lower steps to grade; remove 566 square feet of storm-damaged deck behind bulkhead; construct a 3'x39' on-grade wood walkway with open-grate decking from proposed steps to existing gazebo; and repair storm damage to existing gazebo (e.g., replace damaged exterior siding and interior sheet rock and flooring, as needed). Located: 1140 Park Avenue, Mattituck. SCTM# 1000-123-8-1

Number eleven, En-Consultants on behalf of **OLIVER FRANKEL** requests a Wetland Permit to construct a 3'x±142' elevated timber bluff stairway with railings inclusive of a 6'x8' top entry landing, four (4) 4'x4' landings, and two (2) 4'x6' landings with benches; and to restore/revegetate areas adjacent to stairway disturbed during construction using native vegetation. Located: 975 Hillcrest Drive North, Orient. SCTM# 1000-13-2-8.21

Number 12, En-Consultants on behalf of **DONNA BLANCHARD** request a Wetland Permit to remove existing 15 sq.ft. fixed platform, 3'x10' ramp, and 6'x12' floating dock; and install new 3'x14' ramp off existing bulkhead, and 5'x14' floating dock secured by two (2) 8" diameter pilings; dock to be equipped with water and electricity. Located: 50 Budds Pond Road, Southold. SCTM# 1000-56-5-21

Number 13, En-Consultants on behalf of **JOANNA DIXON REISMAN** requests a Wetland Permit to construct onto existing one-story, single family dwelling, a 20'x24' partially roofed over raised deck addition and install a 8'x8' hot tub with stepping stones at the base of existing deck stairs; and install a 6'x3' drywell for hot tub and deck roof runoff.

Located: 2360 North Sea Drive, Southold. SCTM# 1000-54-5-1

Number 14, Patricia C. Moore, Esq. on behalf of **JOHN & JESSICA LUPOVICI** requests a Wetland Permit for the existing structures on the property that include three (3) existing cottages consisting of an existing 24'2"x20'2" southerly one-story cottage with attached 10'x20' wood deck that is to be

removed; install a new roof, new siding, and to replace existing windows with new enlarged windows and French doors; an existing 22'3"x32'6" one and one-half story northerly cottage with 8'x22'3" attached enclosed storage area; install a new roof, and perform repairs and maintenance to cottage; a 10'x40'6" concrete patio with 3'x36 linear foot long walkways against northerly cottage leading to an existing 8'4"x32' one-story 2nd northerly cottage with 10'x20' concrete patio, install a new roof, and perform repairs and maintenance to the cottage; existing stone wall located seaward of existing 8'4"x32' cottage; existing dirt/stone driveway; existing 9'2"x9'3" pump house; and to clear vegetation/trees within an approximate 19,000sq.ft. building envelope area.

Located: 1625 Naugles Drive, Mattituck. SCTM# 1000-99-4-18

Number 15, Patricia C. Moore, Esq. on behalf of **JOHN & JESSICA LUPOVICI** requests a Wetland Permit to cut back 135 linear feet of dilapidated bulkhead to  $\pm 6'$  above grade and plant area with alterna flora 18" o.c. to restore area of intertidal marsh (approximately 2,400sq.ft.); reconstruct 51' and 41' (92 linear feet) of existing functional bulkhead in-place and 2' higher than existing using c-lock vinyl sheathing, and construct a new 18' vinyl return on west side using thru-flo safety cap; install 140 linear feet of rock revetment landward of scarp and Spring High Water (SHW); backfill disturbed areas as needed with  $\pm 75$  cubic yards of material from stone excavation; existing remains of 5'x128 linear foot long catwalk to be removed; off east side of new bulkhead, construct a new 4'x24' fixed catwalk; a 3'x18' seasonal ramp; and a 6'x20' seasonal floating dock secured by (2) new 8" diameter piles.

Located: 1625 Naugles Drive, Mattituck. SCTM# 1000-99-4-18

Number 16, Patricia C. Moore, Esq. on behalf of **ORIENT ACRES, LLC, c/o EVA MALLIS, LLC MEMBER** requests a Wetland Permit for the existing 3,456sq.ft. two-story dwelling with a 304sq.ft. front entry patio area, a 146sq.ft. garage roof extension, a 143sq.ft. master bedroom deck area, and a 198sq.ft. second floor deck; propose to construct a 285sq.ft. east side addition; construct a 146sq.ft. landward side addition; construct a 148sq.ft. front covered entry patio area; construct a 146sq.ft. garage front roof extension; construct a 235sq.ft. screened porch on north side of dwelling; existing 1,248sq.ft. seaward side deck area to be reduced in size to be an 858sq.ft. deck area (to be resurfaced) in order to accommodate additions; and construct a 328sq.ft. roof over seaward side deck area.

Located: 32625 Main Road, Orient. SCTM# 1000-14-2-25

Number 17, Patricia C. Moore, Esq. on behalf of **BIM E. STRASBERG & ALEXANDRA M. LEWIS** request a Wetland Permit to construct a set of bluff stairs consisting of a 4'x8' top landing to 4'x9' steps to a 4'x4' middle landing to 4'x8' stairs to a 4'x6' middle landing to 4'x8' stairs to a 4'x4' lower landing to 4'x8' stairs to beach.

Located: 21225 Soundview Avenue, Southold. SCTM# 1000-135-1-1

Number 18, AMP Architecture on behalf of **WILLIAM GRELLA &**

**GARY OSBORNE** request a Wetland Permit for the as-built 232sq.ft. Belgium block parking area; as-built 121sq.ft. Belgium block walkway; as-built 517.3sq.ft. managed lawn areas; as-built 240sq.ft. gardens; as-built 160.5sq.ft. crushed shell areas; as-built 22.3sq.ft. metal planter box; as-built 14.3sq.ft. metal waterfall; as-built 15sq.ft. rear concrete stairs; as-built 713sq.ft. pavers on sand; as-built 95sq.ft. gravel on sand; as-built 11sq.ft. fire pit on sand; as-built 41sq.ft. open shower with Belgium block on sand base; as-built two (2) 7.2sq.ft. concrete table bases; as-built 16sq.ft. front concrete stairs; and for the proposed installation of a 46.4sq.ft. set of second-story wood stairs consisting of a 4'x4.3' upper platform with 4'x7.4' stairs to seaward side patio area; proposed installation of 27sq.ft. of pavers on sand.

Located: 1200 First Street, New Suffolk. SCTM# 1000-117-7-30

Number 19, Stacey Bishop on behalf of **FORDHAM HOUSE LLC**, c/o **DENIS BOUBOULIS** requests a Wetland Permit to install a ±1,167sq.ft. on-grade paver patio along the seaward side of the dwelling; extend existing westerly 15' long by 10' high by 12" thick concrete and stone veneer retaining wall an additional 35' seaward for a total length of 50' beginning at the left rear corner of existing dwelling; at seaward end of westerly retaining wall, install a 28' long, varying height concrete and stone veneer retaining wall parallel with the dwelling; along easterly side of property, extend existing 3' high natural stone retaining wall an additional ±45' seaward; approximately 15' seaward of proposed 28' long parallel retaining wall, install a ±3' high by ±45' long retaining wall situated approximately 1' landward of established 50' wide non-disturbance buffer; and to install a generator pad, generator, and buried gas tank for the generator. Located: 5205 The Long Way, East Marion. SCTM# 1000-21-5-11.

I also want to announce that under the Town Code 275-8(c), the files were officially closed seven days ago and submission of paperwork after that date may result in a delay of the processing of the application.

At this time I'll entertain a motion to have our next field inspection, Wednesday, April 11th, at eight o'clock in the Town annex. Do we have a motion?

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll entertain a motion to hold the next Trustee meeting Wednesday, April 18th, 2018, at 5:30 here at the main meeting hall

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE DOMINO: I would like a motion to hold the next work

session at the Town annex, second floor, on April 16th, 2018, at 4:30.

TRUSTEE WILLIAMS: Motion.

TRUSTEE DOMINO: Is there a second?

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: And I'll make a motion to have our next meeting at 5:30 PM, April 18, 2018, here at the main meeting hall.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: At this time I'll entertain a motion to approve the Minutes of the March 23rd, 2018 meeting.

TRUSTEE BREDEMEYER: Move to approve.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: There is no monthly report.

## **I. PUBLIC NOTICES:**

Public Notices are posted on the Town Clerk's Bulletin Board for review.

## **II. STATE ENVIRONMENTAL QUALITY REVIEWS:**

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section V Public Hearings Section of the Trustee agenda dated Thursday, April 5, 2018, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

John & Jessica Lupovici SCTM# 1000-99-4-18

Peter Negri & Elizabeth Kaye Negri SCTM# 1000-119-1-6.1

Bim E. Strasberg & Alexandra M. Lewis SCTM# 1000-135-1-1

Oliver Frankel SCTM# 1000-13-2-8.21

860 Bayview Drive, LLC SCTM# 1000-37-5-10.1

Joanna Dixon Reisman SCTM# 1000-54-5-1

Edward & Diane Daley SCTM# 1000-81-3-23

Nassau Point Causeway Association SCTM# 1000-104-8-8.1

Lucinda Barnes SCTM# 1000-40-1-21

Ryan Stork SCTM# 1000-123-8-1

David Krupnick SCTM# 1000-115-12-13

Cartwright Family Trust SCTM# 1000-114-10-20.9

Orient Acres, LLC, c/o Eva Mallis, LLC Member SCTM# 1000-14-2-25

TRUSTEE DOMINO: Do I have a motion?

TRUSTEE BREDEMEYER: Move to approve.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?  
(ALL AYES).

TRUSTEE DOMINO: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section V Public Hearings Section of the Trustee agenda dated Thursday, April 5, 2018, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Trustees for the following applications and it is hereby determined that they will not have a significant effect on the environment:

John & Jessica Lupovici SCTM# 1000-99-4-18

Martha E. Torrance & Lucie T. Turrentine SCTM# 1000-10-9-5.1

John & Evelyn Braun SCTM# 1000-115-12-9

John & Claudia Oxee SCTM# 1000-113-9-5

TRUSTEE BREDEMEYER: So moved.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?  
(ALL AYES).

TRUSTEE DOMINO: RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section V Public Hearings Section of the Trustee agenda dated Thursday, April 5, 2018, are classified as Unlisted Actions pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Trustees for the following applications and it is hereby determined that they will have a significant effect on the environment:

Charles & Brenda Grimes SCTM# 1000-86-2-12.6

John & Kori Estrada SCTM# 1000-123-4-7

Donna Blanchard SCTM# 1000-56-5-21

Karen & Carey Flaherty SCTM# 1000-56-5-39

TRUSTEE BREDEMEYER: So moved.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?  
(ALL AYES).

### **III. ENVIRONMENTAL DECLARATION OF SIGNIFICANCE PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT NYCCR PART 617:**

TRUSTEE DOMINO: Under Roman numeral three, DESCRIPTION OF ACTION: Patricia C. Moore, Esq. on behalf of **JOHN & JESSICA LUPOVICI** requests a Wetland Permit to cut back 135 linear feet of dilapidated bulkhead to  $\pm 6$ " above grade and plant area with alterna flora 18" o.c. to restore area of intertidal marsh (approximately 2,400sq.ft.); reconstruct 51' and 41' (92 linear

feet) of existing functional bulkhead in-place and 2' higher than existing using c-lock vinyl sheathing, and construct a new 18' vinyl return on west side using thru-flow safety cap; install 140 linear feet of rock revetment landward of scarp and Spring High Water (SHW); backfill disturbed areas as needed with  $\pm 75$  cubic yards of material from stone excavation; existing remains of 5'x128 linear foot long catwalk to be removed; off east side of new bulkhead, construct a new 4'x24' fixed catwalk; a 3'x18' seasonal ramp; and a 6'x20' seasonal floating dock secured by (2) new 8" diameter piles.

Located: 1625 Naugles Drive, Mattituck. SCTM# 1000-99-4-18

#### S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, on March 19, 2018 the Southold Town Board of Trustees found the application of JOHN & JESSICA LUPOVICI is to be classified as an Unlisted Action Negative Decision pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Board of Trustees and it is hereby determined that it will not have a significant effect on the environment, and;

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 14, 2018, and having considered plans for this project dated February 9, 2018, and a K.M. Woychuk survey dated June 6, 2016, revised January 30, 2018, showing the proposed dock and water depths provided by Sea Level Mapping (September 28, 2017), and;

WHEREAS, in reviewing project plans dated February 9, 2018 and water depths dated September 28, 2017, it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.

Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks historically are used for commercial and recreational purposes.

Toxicity: The proposed dock decking shall be constructed entirely of non-toxic materials.

Scope in relation to the riparian rights of shellfishers: The plan allows a standard ramp to float design that will not impede access for small vessels at low tide, and those seeking shellfish and crustacea on foot in season.

Scope in relation to the rights of small human powered water craft to navigate the waters adjacent to the proposed structures: At low tide a kayak might be able to paddle around this proposed structure as it projects only 33 feet into the waterbody.



Scope in relation to view sheds: The seaward end of the proposed dock lies landward of all existing docks that frame the view shed. As such the perspective will not be discernibly different from the existing view.

Environmental upkeep: The dock design projects a lifespan of 30 years, and with limited pile replacement minimizes bottom disturbance.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE DOMINO: That's my motion.

TRUSTEE BREDEMEYER: Second your motion.

TRUSTEE DOMINO: Motion made and seconded. All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: The next project, DESCRIPTION OF ACTION:  
J.M.O. Environmental Consulting on behalf of **MARTHA E. TORRANCE & LUCIE T. TURRENTINE** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4'x50' fixed dock; a 4'x20' ramp with railings; and an 8'x16' floating dock.  
Located: 468 Sterling Street, Fishers Island. SCTM# 1000-10-9-5.1

#### S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, on March 19, 2018 the Southold Town Board of Trustees found that the application of **MARTHA E. TORRANCE & LUCIE T. TURRENTINE** is to be classified as an Unlisted Action Negative Decision pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form has been completed by the Trustees and it is hereby determined that it will not have a significant effect on the environment.

WHEREAS, the Southold Town Board of Trustees having considered plans for this proposed dock at their March 19, 2018 work session, and;

WHEREAS, in reviewing the project plans dated November 20, 2017 and water depths by CME Associates Engineering, it has been determined by the Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation and United States Army Corps. Of Engineers guidelines, and there is no recognized Federal/New York State/Town channel in the immediate vicinity of the proposed structure.

Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks are historically used for commercial and recreational purposes.

Toxicity: The proposed dock decking shall be constructed entirely of non-toxic materials.

Scope in relation to the riparian rights of shellfishers:  
The plan allows a standard piling design that will not impede access for small vessels at low tide, and those seeking shellfish and crustaceans on foot in season.

Scope in relation to the rights of small human powered water craft to navigate the waters adjacent to the proposed structures: At low tide a kayak might be able to paddle beneath this proposed dock.

Environmental upkeep: The dock design projects a lifespan of 30 years, and with limited pile replacement minimizes bottom disturbance.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE BREDEMEYER: That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: The next one, DESCRIPTION OF ACTION: Jeffrey Patanjo on behalf of **JOHN & EVELYN BRAUN** requests a Wetland Permit to remove existing fixed dock, ramp and float; construct in same location a new proposed 4'x45' fixed dock using thru-flow decking and supported with 8" diameter CCA piles; a 3'x16' aluminum ramp; and a 6'x20' floating dock using un-treated timber decking secured by two (2) 10" diameter CCA piles. Located: 680 Deep Hole Drive, Mattituck. SCTM# 1000-115-12-9

#### S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, the Southold Trustees are familiar with this project having visited the site on March 14, 2018 and having considered plans for this proposed dock at their March 19, 2018 work session, and;

WHEREAS, in reviewing the project plans dated January 31, 2018, it has been determined by the Southold Town Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, NYSDEC and USACE guidelines and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.

Scope: The proposed dock is not longer than docks on neighboring properties.

Toxicity: To protect the waters of Peconic Bay the dock's decking shall be constructed entirely of non-toxic materials.

Scope in relation to the riparian rights of shellfishers:  
The plan provides for a standard piling design that will permit

access beneath the decking for small vessels at low tide and those seeking shellfish and crustacea on foot in season. Accordingly, it does not materially diminish riparian access to harvest beneficial marine organisms.

Scope in relation to the rights of small human powered water craft to navigate the waters adjacent to the proposed dock: A human powered vessel traveling would not be inconvenienced by the proposed dock. At low tide a kayak might be able to paddle beneath most docks in this area.

Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, on account of the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion has been made and seconded. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: DESCRIPTION OF ACTION: **JOHN & CLAUDIA OXEE** requests a Transfer of Wetland Permit #1933, as issued on February 27, 1985, and Wetland Permit #296, as issued on June 26, 1986 from Martin & Florence Gellman to John & Claudia Oxee; and for an Administrative Amendment to extend the fixed catwalk an additional 5' wide by 16' long on the landward side in order to access the catwalk from the embankment stairs. Located: 1475 Meday Avenue, Mattituck. SCTM# 1000-113-9-5

**S.E.Q.R.A. NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:**

WHEREAS, the Southold Trustees are familiar with this project having visited the site on January 9, 2018 and having considered plans for this proposed dock at their March 19, 2018 work session, and;

WHEREAS, in reviewing the project plans dated February 2, 2018, it has been determined by the Southold Town Board of Trustees that all potentially significant environmental concerns have been addressed as noted herein:

Navigation: The proposed dock meets standards and does not extend beyond 1/3 across the water body. Depths for the dock terminus are within Town Trustees, New York State Department of Environmental Conservation, and United States Army Corps. Of Engineers guidelines, and there is no recognized Federal/New York State/Town navigation channel in the immediate vicinity of the proposed structure.

Scope: The proposed dock is comparable to docks on neighboring properties in an area where docks are historically used for commercial and recreational purposes.

Toxicity: The proposed dock decking shall be constructed entirely of non-toxic materials.

Scope in relation to the riparian rights of shellfishers: The plan allows a standard piling design that will not impede access for small vessels at low tide, and those seeking shellfish and crustaceans on foot in season.

Scope in relation to the rights of small human powered water craft to navigate

waters adjacent to the proposed structures: At low tide a kayak might be able to paddle beneath this proposed dock.

Scope in relation to view sheds: The seaward end of the proposed dock lies landward of all existing docks that frame the view shed.

Environmental upkeep: The dock design projects a lifespan of 30 years, and with limited pile replacement minimizes bottom disturbance.

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Negative Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE KRUPSKI: That's my motion.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?  
(ALL AYES).

TRUSTEE WILLIAMS: DESCRIPTION OF ACTION: J.M.O. Environmental Consulting on behalf of **CHARLES & BRENDA GRIMES** requests a Wetland Permit to construct a 15'x24' bluestone patio on sand; stepping stone paths; 4'x6' steps; a 4'x158' fixed dock utilizing "Thru-Flow" decking; a 3'x12' ramp; and a 6'x20' float secured by two (2) piles. Located: 4145 Wells Road, Peconic. SCTM# 1000-86-2-12.6

#### S.E.Q.R.A. POSITIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, on March 19, 2018 the Southold Town Board of Trustees found that the application of CHARLES & BRENDA GRIMES is to be classified as an Unlisted Action Positive Decision pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Board of Trustees and it is hereby determined that the proposed dock will have a significant effect on the environment.

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 14, 2018 and having considered plans dated May 26, 2016 from J.M.O. Environmental Consulting with water depths by Robert H. Fox dated May 26, 2016, and a survey dated May 9, 2017, at their March 19, 2018 work session, and;

WHEREAS, in reviewing the project plans dated May 26, 2016, from J.M.O. Environmental Consulting with water depths by Robert H. Fox dated May 26, 2016, and a survey dated May 9, 2017 it has been determined by the Board of Trustees that potentially significant environmental concerns have been noted herein:

Scope: Whereas, Chapter 275-11(2)(C)[c] sets forth that in determining the permitted length of a proposed residential dock, the Board of Trustees shall seek to maintain lengths consistent with other docks (i.e. the pier line) in the waterway. The proposed 185 foot total dock assembly greatly exceeds permitted docks in the area (see attached study).

Toxicity: To protect the headwaters of Richmond Creek where poor water exchange and circulation are considered a possibility, the dock shall be constructed entirely of non-toxic materials.

Scope in relation to riparian rights of shellfishers: The plan provides for a standard piling design along the 158 foot catwalk length that will impede access for vessels at low tide and those seeking shellfish and crustacea on foot in season. Accordingly, it will diminish riparian access to harvest beneficial marine organisms.

Scope in relation to the rights of human powered water craft: The 185 foot proposed dock is an unnecessary infringement of the rights of human powered craft to

traverse the north side of Richmond Creek.

Environmental upkeep: The Board of Trustees requirement of non-toxic materials on dock projects within Richmond Creek will translate into a shorter than 30 year lifespan for the pilings. Accordingly, piling replacement will have a negative impact on the benthos community beneath and around the structure.

THEREFORE, on account of the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Positive Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE WILLIAMS: That's my motion

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion made and second. All in favor?

(ALL AYES).

TRUSTEE DOMINO: DESCRIPTION OF ACTION: Michael Kimack on behalf of **JOHN & KORI ESTRADA** request a Transfer of Wetland Permit #4096 from David B. Tuthill to John and Kori Estrada as issued on December 10, 1992, and Amended on June 1, 1993; and for an Amendment to Wetland Permit #4096 to construct a 4'x8' fixed dock extension using Thru-Flow decking and two (2) 8" diameter dock pilings onto the seaward end of existing fixed dock for a new total length of 58'; reconfigure existing floating dock to an "L" shape configuration; relocate the existing two sets of floating dock securing two-batter pilings; and install one 8"-10" tie-off piling approximately 15' to the west from the new floating dock location.

Located: 2350 Deep Hole Drive, Mattituck. SCTM# 1000-123-4-7

#### S.E.Q.R.A. POSITIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, on March 19, 2018 the Southold Town Board of Trustees found that the application of JOHN & KORI ESTRADA is to be classified as an Unlisted Action Positive Decision pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Board of Trustees and it is hereby determined that the proposed dock will have a significant effect on the environment.

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 14, 2018 and having considered plans for this proposed dock at their March 19, 2018 work session, and;

WHEREAS, in reviewing the project plans dated October 5, 1992, revised March 19, 2018, and the Nathan T. Corwin survey dated January 17, 2008, it has been determined by the Board of Trustees that potentially significant environmental concerns have been noted herein:

Navigation: The proposed dock does not meet the standards as set forth in Chapter 275-11C(2)(a) "docks shall be designed, constructed, and located so as to reduce a dock's potential adverse impacts to navigation, public safety, and waterway congestion." The proposed dock and configuration including the beam of a docked vessel potentially creates navigation issues

for the neighboring docks and the public. In addition Chapter 275-11 C(2)(b)[2] "within creeks and narrow waterways, no dock length shall exceed 1/3 the total width of the waterbody. Determination of the length of the dock must include the dimensions of the vessel." The proposed dock and survey do not show a vessel nor the distance across the waterway as required.

Scope: The dock as it is presently configured is comparable to docks on neighboring properties.

Scope in relation to riparian rights of shellfishers: The plan provides for a standard piling design that will permit access beneath the decking for small vessels at low tide and those seeking shellfish and crustacea on foot during season.

Environmental upkeep: The dock design projects a usual lifespan of 30 years with limited pile replacement so as to minimize disturbance of the bottom.

THEREFORE, on account of the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Positive Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE DOMINO: That's my motion.

TRUSTEE BREDEMEYER: I'll second that.

TRUSTEE DOMINO: Motion made and seconded. All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: DESCRIPTION OF ACTION: En-Consultants on behalf of **DONNA BLANCHARD** request a Wetland Permit to remove existing 15 sq.ft. fixed platform, 3'x10' ramp, and 6'x12' floating dock; and install new 3'x14' ramp off existing bulkhead, and 5'x14' floating dock secured by two (2) 8" diameter pilings; dock to be equipped with water and electricity. Located: 50 Budds Pond Road, Southold. SCTM# 1000-56-5-21

#### S.E.Q.R.A. POSITIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, on March 19, 2018 the Southold Town Board of Trustees found that the application of DONNA BLANCHARD is to be classified as an Unlisted Action Positive Decision pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Board of Trustees and it is hereby determined that it will have an impact on the environment.

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 14, 2018 and having considered plans for the proposed dock at their March 19, 2018 work session, and;

WHEREAS, in reviewing the project plans dated February 12, 2018 and revised plans on February 16, 2018, and survey with water depths dated January 23, 2002, it has been determined by the Board of Trustees that potentially significant environmental concerns have been noted herein:

Navigation: The proposed dock does not meet standards and

does not meet standards as set forth in Chapter 275-11(d)[1] "whether the dock will impair navigation or be located in areas of high vessel congestion," [2] "whether the dock will unduly interfere with the public use of waterways for swimming, boating, shellfishing, waterskiing, and other water-dependent activities," [4] "whether the dock will significantly impair the use or value of waterfront property adjacent to or near the dock."

THEREFORE, according to the foregoing, the Southold Town Board of Trustees Approve and Authorize the preparation of a Notice of Positive Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE BREDEMEYER: That's my motion

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: DESCRIPTION OF ACTION: Jeffrey Patanjo on behalf of **KAREN & CAREY FLAHERTY** requests a Wetland Permit to remove existing fixed dock and steps to beach, and replace with a proposed 4'x68' fixed dock supported with 10" diameter CCA piles; install a seasonal 30"x16' aluminum ramp; install a 6'x20' seasonal floating dock with un-treated timber decking situated in an "I" configuration and supported by two (2) 10" diameter CCA piles.  
Located: 1077 Bay Home Road, Southold. SCTM# 1000-56-5-39

#### S.E.Q.R.A. POSITIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE:

WHEREAS, on March 19, 2018 the Southold Town Board of Trustees found that the application of KAREN & CAREY FLAHERTY is to be classified as an Unlisted Action Positive Decision pursuant to SEQRA Rules and Regulations. A Long Environmental Assessment Form and a field inspection have been completed by the Board of Trustees and it is hereby determined that it will have a significant effect on the environment.

WHEREAS, the Southold Town Board of Trustees are familiar with this project having visited the site on March 14, 2018 and having considered plans for this proposed dock at their March 19, 2018 work session, and;

WHEREAS, having considered the plans dated January 1, 2018 with water depths and a K.M. Woychuk survey dated September 5, 2016, it has been determined by the Board of Trustees that potentially significant environmental concerns have been addressed and noted herein:

Navigation: The proposed dock does not meet the standards as set forth in Chapter 275-11(d)[2] "whether the dock will interfere with the public use of waterways for swimming, boating, shellfishing, water skiing, and other water dependent activities."

Coastal erosion: Chapter 96 of the Town Code - Boats, Docks, and Wharves regulates new construction or placement of dock

structures in order to locate them a safe distance from active erosion of the impacts of coastal storms. The proposed dock is located in an area with a 10,000 foot plus fetch, a very active high energy environment. The Board of Trustees recognize the entire physical aspect of the proposed dock lies in a high energy, high wave, high erosion zone due to a greater than 180 degree exposure to an open fetch greater than one mile.

Scope: The proposed dock is in an area where there are no permitted neighboring docks used for commercial and recreational purposes, as per Chapter 275-11 C[10][c][i] and Chapter 275-11 C(2)(a)[c].

Scope in relation to riparian rights of shellfishers: The plan of a 68 foot long catwalk, 16 foot long hinged ramp, and 6 foot by 20 foot floating dock has no provision to allow the public use of the foreshore. Chapter 111 of Town Code defines nearshore as 1,000 feet from mean low water or to a low-water depth of 15 feet, whichever is greater and determines minimization of dock structures is paramount to preserving public use and access of the area. Chapter 275-11 C-F is generally not accepting of development in undeveloped coastal landscapes nor areas historically absent of dock structures.

Habitat degradation: The Southold Town Local Waterfront Revitalization Program states construction of docks in Peconic Bay impacts vegetation through direct construction impacts, chronic shading, habitat degradation, loss and disruption, and leaching of harmful contaminants.

Scope in relation to Town Goals and Policies: The Southold Town Board of Trustees acknowledge Town goals and policies support long-term protection with consideration of economic and cultural associations, and further reflects existing laws and authority regarding environmental protection including but not limited to the Peconic Estuary Program Comprehensive Management Plan and Local Waterfront Revitalization Program used to find the appropriate balance between development and conservation.

THEREFORE, on account of the foregoing, the Southold Town Board of Trustees approve and authorize the preparation of a Notice of Positive Declaration pursuant to SEQRA for the aforementioned project.

TRUSTEE GOLDSMITH: That's my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE BREDEMEYER: Point of discussion, just for clarification, going back to the first "whereas" clause, just to make it clear, the Chairman pointed out, the Trustees, that under the Trustees, that potential environmental concerns have not been addressed and noted herein. Okay. So in other words, environmental concerns have not been addressed. It's just a point of clarification. That was the reason for the additional verses here describing the short-term comings of the proposal. And that under the scope, the proposed dock is in area where there are not permitted neighboring docks for use. Just a point of



clarification.

TRUSTEE DOMINO: Is that acceptable to you?

TRUSTEE GOLDSMITH: Absolutely.

TRUSTEE KRUPSKI: I'll still second that.

TRUSTEE DOMINO: Motion made and seconded.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

#### IV. PUBLIC HEARINGS:

TRUSTEE DOMINO: Under Roman numeral four, public hearings. This is a public hearing in the matter of the following applications for permits under the Wetlands Ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments brief.

As noted before, numbers one and two have been postponed.

#### WETLAND & COASTAL EROSION PERMITS:

TRUSTEE DOMINO: Under Wetland & Coastal Erosion Permits, number one, Michael Kimack on behalf of **SOUTHOLD SUNSETS, LLC** requests a Coastal Erosion Permit to demolish existing one-story dwelling, decks and foundation; construct on a piling system to elevate the finished floor to 16ft. Elevation a proposed 957.77sq.ft. one-story, single-family dwelling with a combined 262.75sq.ft. Of seaward side porch area with 7.6' wide stairs to ground, and side deck area with 4' wide stairs to ground. Located: 4200 Kenny's Road, Southold. SCTM# 1000-54-4-3

The LWRP has determined that this project is inconsistent. The inconsistency arises from the following policies: 4.1, minimize loss of human life and structures from flooding and erosion hazards. The proposed action does not have functional relationship to coastal waters and therefore is not a water dependent use pursuant to 275-2. Water dependent use is defined as an activity which can only be conducted on or in or adjacent to a waterbody because such activity requires direct access to a waterbody, which involves an integral part of this activity, the use of the water. It's more fully described below.

The LWRP coordinator goes on to say in the event the action is approved, it is recommended that to further policies five and six, innovative alternative onsite water system is recommended.

The Conservation Advisory Council resolved to support the application, makes no further recommendations than in previous reviews. There continues to be concern with the preservation of the primary dune.

There is a letter in the file dated April 2nd. The neighbors Brett Anderson and John Castiglione, 3010 Kings Road. First, the application fails to fill the criteria set forth for the issuance of a coastal erosion permit to, among other things, not impact the primary dune upon which the home sits. There are questions also about how the applicant plans to address the minimum setbacks for walkways and driveways within the range of the wetlands and open waters. It goes on to say the application negatively impacts the ability of all town residents and guests who enjoy Kennys Beach. And lastly, the Trustees should reject the application insofar as it violates relevant code provisions of setbacks within wetland areas.

The Trustees most recent field inspection is March 14th, and the Trustees notes

say new construction in the Coastal Erosion Hazard Area needs Town Board approval.

Is there anyone here to speak to this application?

MR. KIMACK: Michael Kimack on behalf of the applicant. Just for clarification, we are now under Chapter 111, correct?

TRUSTEE BREDEMEYER: Yes.

TRUSTEE DOMINO: Correct.

MR. KIMACK: So we are revisiting all the issues we had visited in 275 now under 111.

TRUSTEE BREDEMEYER: We are visiting 111.

MR. KIMACK: Okay. Is it my understanding then that the Board's position is that they don't have administrative authority to make a decision under 111?

TRUSTEE DOMINO: I'll defer to Trustee Bredemeyer.

TRUSTEE BREDEMEYER: Their new construction in the beach zone is a prohibited act under 111, so that we are not, you have to go to the appellate level, which is the Town Board is the appeals board for an approval. So we are prohibited by the code based on the zone, primary dune and beach, doesn't allow for construction, it allows for modification, you know, a minor rebuild, but not for full-house replacement. So we can't, we don't have the authority to approve.

MR. KIMACK: So then the understanding is you would vote tonight that you don't have jurisdiction and you would basically deny under 111, although you really would not deny under 111 because, if you don't have jurisdiction it would not be a decision, per se. All you are doing is saying we don't have jurisdiction to make this type of decision, and as a result of that, I need to go, in order to get my relief, I have to go to Town Board in order to seek that relief. Is that correct?

MR. HAGAN: With the approval of the president, I would be more than happy to answer that.

TRUSTEE DOMINO: Absolutely.

MR. HAGAN: It's a prohibited act under 111 that requires you to go to the Town Board. In order for you to be able to exercise that appeal mechanism, the Board of Trustees would have to deny.

MR. KIMACK: Fine. Then the denial, as I understand, there would be certain level transcripts I have to put together as a result of that decision.

MR. HAGAN: Yes. Pursuant to Town Code your time would then run from the date of the denial, which if the Trustees were so inclined this evening, would be this evening, and you would put in an appeal to the Town Board by filing with the Town Clerk, and the Town Board would then address the 111.

MR. KIMACK: May I ask, though, that it may start, what's the period of, the overall limitation period?

MR. HAGAN: I believe it's 30 days. I don't have --

MR. KIMACK: I'll be impeded with that basically only because I'll have to basically get the transcripts from you in order to put in the application, which won't be available for another two or three weeks now.

MR. HAGAN: The Town Code sets the timeframe from the time of denial. Your hearing won't be on the 30-day date. You'll get notice from the Town Board for an appeal under Coastal Erosion.

MR. KIMACK: So that notice basically will begin the 30-day period.

MR. HAGAN: Yes.

MR. KIMACK: And as a result of that notice I'll have the availability of the transcript.

MR. HAGAN: Yes.

MR. KIMACK: Fair enough.

MR. HAGAN: I would be more than happy to discuss it with you outside.

MR. KIMACK: I assume -- I had done my research on the application, so I assume this is where the Board was moving, that they felt it would have to be a prohibition under them and I would have to do a variance with the Town, even though I got approval under 275. Strange bedfellows, guys. Strange bedfellows.

TRUSTEE DOMINO: Any on other questions or comments from the Board?

(Negative response).

TRUSTEE DOMINO: Anyone else wish to speak to this application?

(Negative response).

TRUSTEE DOMINO: Hearing no further comments, I make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to -- sorry, I'll make a motion to deny this application, as per Chapter 111, which requires further appeal to the Town Board.

MR. KIMACK: Can I raise an issue?

MR. HAGAN: The public hearing has been closed.

MR. KIMACK: Without prejudice?

MR. HAGAN: The public hearing is closed, we can't address that.

TRUSTEE DOMINO: Motion made. Is there a second?

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number two, **LUCINDA BARNES** requests a Wetland Permit to remove invasive/non-native vegetation and vines within an approximate 9,000sq.ft. area landward of the top of bluff, and re-vegetate area by planting native vegetation consisting of low and high bush blueberries, beach grass, bayberry, and beach plum; and to maintain the existing access path to the beach.

Located: 63875 County Road 48, Greenport. SCTM# 1000-40-1-21

REVISED PROJECT DESCRIPTION AS OF FEBRUARY 14, 2018:

Michael Kimack on behalf of **LUCINDA BARNES** requests a Wetland Permit and a Coastal Erosion Permit to remove invasive/non-native vegetation and vines within an approximate 9,000sq.ft. area landward of the top of bluff, and re-vegetate area by planting native vegetation consisting of low and high bush blueberries, beach grass, bayberry, and beach plum; and to maintain the existing approximately 4' wide by 140' long access path to the beach that consists of three (3) landings, each approximately 20sq.ft. with four (4) stair sections consisting of 36 natural locust log treads set in the path's grade, and two (2) steps in the approximate area of the slope's toe; and the

downhill side of the pathway consists of imbedded locust logs functioning as retaining members to stabilize soil.

Located: 63875 County Road 48, Greenport. SCTM# 1000-40-1-21.

The Conservation Advisory Council has voted to support this application.

The LWRP coordinator has indicated that the project is inconsistent insofar as the four-foot wide by 140-foot long access path did not have the benefit of a Board of Trustees Wetland and Coastal Erosion Permit.

And the Board of Trustees reviewed this project again with respect to plans received February 14th, and based on prior field inspection and the viewing of the beach stairs, the Board determined that the project is consistent with good, environmental practice, sound environmental practice, and that this area with minimal erosion can avoid having elevated stairs at this time.

Is there anyone here who wishes to speak to this application?

MR. KIMACK: Michael Kimack behalf of the applicant. I think it's been self-proclaimed what you read, basically. I have prepared the document as required on the elevation, so. It's a fairly stable staircase set into the grade.

TRUSTEE BREDEMEYER: Unlike many places this winter. Are there any questions of the Board?

(Negative response).

We were all pretty familiar with this.

(Negative response).

Is there anyone else who wishes to speak to this application? Please address the Board.

MR. ZAHLER: Hello, my name is Ken Zahler, I live right next door to this particular parcel.

A few years ago when I bought the vacant lot there, I went to the Trustees, I said I would like to build stairs down to the beach, what do I have to do. And I was given very specific requirements, the material to be used three feet above grade, the size of the riser, to give a detailed drawing, submit it. I did all of that. And it was thousands of dollars to do the stairs but it was what I was told is required. So I did it. After I did that, my neighbor hired some men with shovels. They didn't ask anybody permission, they didn't say what they were going to do. They just went out there with shovels and they dug out all the vegetation for 140 feet down the bluff. They made terraces, they cut down trees, they used the trees as risers for the steps, and, um, now she comes before you and she says this is what I have done, I would like you to give me permission to continue to maintain it.

So my question -- and I have a question -- my question to you gentlemen of the Trustees, of the Town of Southold. You have two choices before you. You can tell the thousands of people that live on the water in the Town of Southold on bays, Sound, creeks, that you no longer have to ask for permission and ask for guidelines as to what is required. You may do whatever you would like to do and then ask us to sanction it and allow you to continue to maintain it; or you can tell this applicant that what she did was not permitted, it did not follow guidelines, it violated everything. And on the issue directly of the issue of

erosion, contrary to what counsel had said, this is a slope. It is well vegetated.

What I did was to build three-feet above grade, specific treads that allow light and air and rain to penetrate to maintain the vegetation so that the slope will not erode, so that it will be stable. This is the complete opposite. The complete removal of all vegetation, and it's, it has already begun. If you walk along the beach now at the foot of her area you'll see silt washed down over the steps on the beach, over the stones on the beach. Do we expect that will stop? No. Do we expect that somehow there will be a way to vegetate the treads of raw earth so that they will be stable and have root systems and not be subject to erosion? Well, that would not really be possible because if you walk on them all the time you will kill the plants that you just planted on those terraces. Gentlemen?

TRUSTEE BREDEMEYER: We thank you for your comments. It's a public hearing and I mean since I'm the lead Trustee presenting the file, I can only say the Board could re-visit it and take into consideration your concerns. But the Board is unfortunately often presented where there is instances where people don't comply with the law, and the Board has to make discretionary decisions. But to say further, I don't know if other members want to speak, I don't want to close discussion, but generally speaking, the public hearing is you are free to voice your concerns and the Board tries to take it under consideration.

TRUSTEE KRUPSKI: Just to clarify, is the path four-feet wide, roughly, from your multiple inspections there?

TRUSTEE BREDEMEYER: Yes.

TRUSTEE KRUPSKI: Which we do allow under Town Code, four-foot wide access path to access water.

TRUSTEE BREDEMEYER: Yes. And they used non-invasive locust posts, to my knowledge. All I saw were non-invasive trees used, meaning it was not treated lumber. Meaning it was stabilized and not treated lumber. It is not unlike other structures the Board has permitted on a case-by-case basis. Historically.

MR. ZAHLER: So is there a reason, is there a reason why when a couple years ago I went and said what do I need to do to make stairs down to the beach, I was not given that option? I was told you must do this.

TRUSTEE KRUPSKI: I don't know if we want to get into a back and forth here but if you asked how to build stairs to the beach and what the requirements were, the office told you what the requirements were to build stairs, not to build an access path, so that's --

TRUSTEE BREDEMEYER: Access paths are not specifically prohibited in Chapter 275 and Chapter 111. It just typical construction on the Sound imputes the need for stairs. Based on the steep rise and heavy amount of erosion, I mean --

MR. ZAHLER: So you don't find anything just a little bit

bothersome about the fact that when I walked in and I asked for what are the requirements for me being able to make access to the beach --

TRUSTEE BREDEMEYER: At this point I think that -- this is a public hearing. I'm willing to table it to take one last final look at it, but I'm not going to entertain, we are not a debating society.

MR. ZAHLER: Thank you.

TRUSTEE BREDEMEYER: You're welcome.

Is there anyone else here who wishes to speak to this application?

TRUSTEE KRUPSKI: To be fair, I think this is the more Environmentally-practical method, if it can be used.

TRUSTEE BREDEMEYER: I just want to make sure we don't have a whole washout or --

TRUSTEE KRUPSKI: After the winter storms, if you want to go look at it again.

TRUSTEE WILLIAMS: I was there recently and I see no reason to table this application.

TRUSTEE BREDEMEYER: It's all good?

TRUSTEE WILLIAMS: Yes.

TRUSTEE BREDEMEYER: I'll make a motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I make a motion to approve this application noting that the Trustees have been to this site on multiple occasions and recently Trustee Williams is familiar with the site; that the construction is of all non-toxic, non-invasive locust which will have a projected 30-year lifespan so that the treads will not be disturbed in that time; that there was no erosion noted during the course of our several field inspections; and that by permitting this structure as proposed it will bring it into compliance with the Trustees rules and regulations and bring it into consistency with the LWRP. That's my motion

TRUSTEE WILLIAMS: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number three, J.M.O. Environmental Consulting on behalf of **MARTHA E. TORRANCE & LUCIE T. TURRENTINE** requests a Wetland Permit and a Coastal Erosion Permit to construct a 4'x50' fixed dock; a 4'x20' ramp with railings; and an 8'x16' floating dock. Located: 468 Sterling Street, Fishers Island. SCTM# 1000-10-9-5.1

The LWRP coordinator found this to be inconsistent. The inconsistencies are the 200-foot top surface area fixed portion of the dock will not be removed each year therefore the dock as proposed is prohibited in the near shore area pursuant to Chapter 111 Coastal Erosion Hazard Area, as it is equal to 200-square feet and not removable. It is expected that the ramp and float will be removed in the Fall of each year.

Also, the applicant must demonstrate the following dock standards pursuant to 275-11: Construction and operation standards to meet and further Policy 6.3.

In the event that the action is approved, it is recommended that the application be amended to meet the following Chapter 275 regulations: Deploy a silt boom during the construction of the dock structure, and to minimize the use of CCA treated wood in marine waters.

The Conservation Advisory Council did not make an inspection therefore no recommendation was made.

The Trustees reviewed this in-house on March 14th, 2018.

Is there anyone here who wishes to speak regarding this application?

MR. JUST: Good evening Glenn Just, agent for the applicant. Glenn, I have to admit, I didn't hear the first comment, please, from the LWRP.

TRUSTEE GOLDSMITH: I think it was more procedural, Chapter 111, since it exceeds 200-square feet.

MR. JUST: And your comment is it seasonal or removable?

TRUSTEE GOLDSMITH: Since the 200-foot top surface area fixed-portion of the dock will not be removed each year.

MR. JUST: The only comment I have is there is no intention of using any treated material, I think that was part of it. We did incorporate through-flow decking for the fixed portion. And I made a physical inspection myself. There were no areas of eel grass. We made the dock as short as possible to achieve the necessary depths. It's pretty consistent with the neighboring docks. And we did try to set into the same pier line as the neighboring dock.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

TRUSTEE BREDEMEYER: Just maybe a point of information. The Board has, after Tropical Storm Sandy, the Board has been encouraged to fully allow for the provisions of Chapter 111 and Chapter 111 structures within the Coastal Erosion Hazard Area which exceeds those 200-square feet, we have the same prohibition against approval as there is with new construction in a beach zone, so that the Board of Coastal Erosion has no choice but to deny it, then it has to go on appeal to the Town Board for a structure greater than 200-square feet in that zone.

Unfortunately, our rendition of Chapter 111 is a bit different than how the state, the different communities, have adopted 111. And so we are compelled to do that.

MR. JUST: We just had one six months ago directly across the harbor from the same site, we had to go through the same procedure. And just for clarification, 200-square foot, is that for permanent structures in the zone? That would not incorporate the ramp and the float, would it?

TRUSTEE BREDEMEYER: Seasonal removal would not count. Sorry, I

was not understanding. Yes, permanent -- would have to be a permanent structure, is the 200-square feet, yes.

MR. JUST: So we are talking about the fixed portion, not the float.

TRUSTEE BREDEMEYER: We are talking about the fixed portion, correct. It is exactly 4x50. Oh. If you want to modify it literal by a square foot or two.

MR. JUST: Okay, I will work on that tomorrow morning, if you could postpone the hearing or close the hearing, I would be more than willing to work with you folks.

TRUSTEE GOLDSMITH: I make a motion to table this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor? (ALL AYES).

MR. JUST: Thank you, very much.

### **WETLAND PERMITS:**

TRUSTEE KRUPSKI: Number one, under Wetland Permits, Michael Kimack on behalf of **860 BAYVIEW DRIVE, LLC** requests a Wetland Permit for the existing 1 & ½ story dwelling with attached garage (2,314.7sq.ft. footprint); construct a 190.8sq.ft. addition to existing dwelling; construct a 254.4sq.ft. pavilion attached to addition; construct a 900sq.ft. swimming pool; construct a 1,766sq.ft. pool patio and outdoor kitchen area; install approximately 55' of French drain connected to three (3) 8'x13' drywells; construct approximately 88' of retaining wall surrounding the pool, pool patio, and new addition which is to be of varying height with 5' being the highest.

Located: 860 Bayview Drive, East Marion. SCTM# 1000-37-5-10.1

The Trustees visited the site on 14th of March. Trustees Bredemeyer, Williams, Domino and Goldsmith were present and noted that it was a straightforward application.

The LWRP coordinator found this to be consistent, provided the following is considered: Verify the lots have merged, investigate the drain pipe in the south section of the property near the concrete retaining wall shown on site plane S-1, and require vegetated non-turf buffer landward of the concrete retaining wall.

The Conservation Advisory Council resolved not to support this application. The Conservation Advisory Council does not support the application because of the locations of the proposed structures do not conform to required setbacks.

Okay, is there anyone here that wishes to speak regarding this application?

MR. KIMACK: Michael Kimack on behalf of the applicant. A little history on this one, primarily, if you look at the set of plans, the S-1 drawing, basically, the existing deck with patio below and the existing patio on-grade, which you saw there, basically, have been approved by the Trustees basically without levelling setbacks, back on November 16th, under permit number 85718. And



what the owner is proposing to do is not go obviously any more seaward than that particular one, extend the patio over with the pool. What we did, basically, if you notice how it's cut in at the one corner then it comes back there. The reason it stopped there is in order to preserve all those big trees against the property line, all of which basically are preserved, by not going any further. We are at least ten feet from the base of the trees, so that the rooting system is not going to be compromised by the retaining wall, essentially, and everything basically along the front part of both patios and on the side of the pool are French drain. And the drywells are within the patios themselves. So nothing is more forward. As far as the drain pipe, the drain pipe came up in the previous one when we were doing that application and my recollection was that the drain pipe is somewhat tied to the community there. It's not a private drain pipe. It's not his. I think it goes up and it drains the drywell in the road, something like that. Quite frankly, I know this was an issue the last time we did this in terms of whether or not this was his and/or whether it was in fact the community. And I can dig up a little bit and get you some information on it but I'm most fairly certain that it goes back to the road system, goes back to Bayview Drive, and then drains that way. So he really, it's whether it's an easement on the property or Not, he really doesn't have any ability to remove it. That's what it is.

TRUSTEE KRUPSKI: Okay. We have verified the lots have merged, also. I don't see in here any provision for a non-turf buffer behind the retaining wall. Did you plan on installing one? Did I miss it in this site plan?

MR. KIMACK: The non-turf buffer, are we talking about going toward Knoll Circle?

TRUSTEE KRUPSKI: Behind the concrete retaining wall.

MR. KIMACK: The retaining wall stops short about halfway down the pool, basically. In a sense, the ground is elevated about four to five feet on the back side of the house, on the north side. Then it pretty well zeroes out about halfway down to the pool. Then it's French drain after that around the corner.

TRUSTEE KRUPSKI: I believe he's talking about the area where the drain is located and the flagpole on the site plan.

TRUSTEE GOLDSMITH: Closer to the water there?

MR. KIMACK: Yes. We did it because essentially when we did the original existing deck with patio and the other one before, it was not required, when that permit was issued.

TRUSTEE GOLDSMITH: Okay.

TRUSTEE KRUPSKI: I would like to see it this time around, and correct that mistake, what I would consider to be that mistake. Landward of that.

MR. KIMACK: I'm trying to remember, I didn't pay a lot of attention on that, Nick, I'm not sure if he has any plantings there at all or whether it's grass all the way down. Quite frankly, I didn't focus on that aspect of it.

TRUSTEE KRUPSKI: Do we have a picture? We'll take a look. It looks like it was covered in snow at the time.

MR. KIMACK: It's probably there then, Nick.

TRUSTEE KRUPSKI: So why don't we just -- there is a non-turf buffer there now, based on the pictures from October 24th, 2017, so why don't we just put that in on the plans. It's already existing.

MR. KIMACK: I thought it was. And it might have been part of the original, too.

TRUSTEE KRUPSKI: Yes. So just for clarification, why don't we put it on this set of plans.

MR. KIMACK: I'll get Mark to put it on there and resubmit. How many copies of that would you want for your file?

TRUSTEE KRUPSKI: Two copies is fine.

MR. KIMACK: That's fine

TRUSTEE KRUPSKI: Does anyone remember dealing with the drain prior? Do you want to hold off and look into that?

Anyone feel strongly about that?

MR. KIMACK: I'm almost positive that it came up because we did it the last time, but we didn't deal with it simply because he wasn't in ownership. It was not a private drain situation. But I will dig into it and get you some information on it.

TRUSTEE DOMINO: I'm concerned about the C of O, right?

MR. KIMACK: It did come up in the last hearing we had. That, I'm sure of.

TRUSTEE DOMINO: I'm satisfied with that.

TRUSTEE KRUPSKI: You're satisfied with waiting or to find out about it? Or us covering it in the past hearing?

TRUSTEE DOMINO: Damon, can you give us a determination on that?

MR. HAGAN: Well, it's up to the discretion of the Board, if you think you need to go into another site visit to take a look, you are free to do so. I mean, if you think it's going to --

MR. KIMACK: There may be something in the record. I didn't download the entire record but I suspect since you approved it and the drainpipe was still there, that the expectation would be that you probably knew it's in existence. I know you did the last time, and the result was we were not in a position to do anything about it.

TRUSTEE KRUPSKI: Okay. The other, one other issue that I had in my notes was can it be stipulated this is a salt water pool. Just in its proximity to the wetland there.

MR. KIMACK: I need to find that out. I believe it is.

TRUSTEE KRUPSKI: Most are. We would like to put it in just to clarify it.

MR. KIMACK: I'll clarify that with the owner and get back to you.

TRUSTEE KRUPSKI: Okay, so just on those few points I would like to consider tabling, unless anyone has any argument with that.

TRUSTEE BREDEMEYER: Nope.

TRUSTEE KRUPSKI: Okay, does that work?

MR. KIMACK: So you'll table for me to bring in information on the pipe, basically.

TRUSTEE KRUPSKI: Information on the pipe --

MR. KIMACK: Put new plans showing the buffer and if we have saltwater pool.

MR. HAGAN: With the president's permission, for point of clarity. With regard to tabling, do you have a date in mind? Because we have several dates moved around based on the Nor'easters that we've had. So when you say table, are you expecting to put it on the next meeting, which is in two weeks, or are you looking to put it onto the May meeting for the sake of the ability with pressure concerns?

MR. KIMACK: I have an anniversary coming up. I'm leaving on the 20th. I'll be back on the 30th. And if I don't show up, I might not as well even go back.

TRUSTEE KRUPSKI: Right. Right. Do you want to table for the May meeting? Does that work better for you?

MR. KIMACK: Yes, that gives me a little extra time and flexibility. I appreciate that.

MR. HAGAN: So this is an application to table to the May meeting at the applicant's request.

MR. KIMACK: Yes. To make sure I have enough time to contact on the saltwater, and I'll get a letter indicating that that is not the fact, I'll have to dig up the file on that pipe and get Mark to do the drawings, which should not be a problem.

TRUSTEE DOMINO: Can you put that in the form of a motion, Nick?

TRUSTEE KRUPSKI: I make a motion to table this hearing for fact gathering until the May, the next public hearing in May, at the applicant's request.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Michael Kimack on behalf of **CARTWRIGHT FAMILY TRUST** requests a Wetland Permit to raise the existing 958.9 sq.ft. dwelling with attached 190 sq.ft. seaward side screened-in porch to have a first floor elevation of 11.52' above grade by installing 22 18"x18" concrete reinforced piers with microlam (ML) girders, deck joists, floor joists; new floor under landward entry area; insulate and install exterior grade sheathing under floor; reconnect all plumbing for water supply and drainage to existing septic; construct two (2) new staircases with 24 sq.ft. landings and two (2) support concrete piers on each.

Located: 55 Second Street, New Suffolk. SCTM# 1000-117-10-20.9.

The Trustees inspected this property on 3/14/18. Trustees Bredemeyer, Domino and Goldsmith were present. Field notes were to check the cesspool. It looks like we are satisfied with that. And other field notes were questioning how the work would be staged on the right-of-way.

In addition, the LWRP deems this project to be consistent.

The Conservation Advisory Council supports the application noting they would like to see disturbed areas revegetated.

There is a letter in the file from a neighbor, neighboring

property, letter signed by Thomas Martin, Jane Martin and Robyn Ennis, with concerns of the adequacy of the original existing septic. Also with a concern of using the right-of-way during the summer season, and with concerns of being a large project on a tiny parcel, that it would have a negative impact on the summer season, hoping work would commence after Labor Day.

At this point we would like to open the public hearing. Is there anybody here who wishes to speak to this application? MR. KIMACK: Michael Kimack, on behalf of the applicant. It's a straightforward project, existing home raised to 11.5 feet. I think the existing grade is about seven at the time. And I think the VE line is eight, if I remember correctly, off the map. Primarily, the house would remain, the entire undersized structure would be re-supported, basically, with microlams or so up on the 22 piers, with two sets of stairs.

The entire piece of property is generally grass and sand for the most part, at the present time, and it's kind of spotty at the present time. It's not an even vegetation factor there, basically. And primarily all sand seaward of the existing house for the most part with spots of lawn and grass around it. I would imagine I could probably, where there is a disturbance of the existing vegetation, grass could be replanted on that side, although it's pretty sandy, I'm not quite sure of the growth capabilities in that particular area, but that could be done, primarily. It is a small site with a ten-foot right-of-way going into it. I'm not quite sure, assuming that this is going to be approved, I'm still waiting for DEC approval. I have just resubmitted based upon their last letter, the information they wanted. But providing when we are going to get these, get the overall permits when the work is going to start, it really depends on when the contractor has availability to schedule. To be fair, with this, I think it's North Fork Woodworks that will do it, primarily and it's their schedule that will somewhat drive when the work will actually start and begin. It's, when they become available, they are going to approach the owner that they are ready to go, for the most part, ready to do this. Whether that will be June, July, August or September, I really don't know at the present time. It depends upon their work schedule. So in a sense it's not really in the control of the owner. It's the availability of the contractor. I've worked with the owner in order to design this to get it ready to go. I don't know how long it would take, the overall process, to put in the piers and raise it up, but I imagine it would be a two to three-month process, in that particular timeframe, to get all the work done. That's all I have to offer in terms the timing element in terms of construction. It's not something that is really within their purview directly. The owner is working with North Fork Woodworks at that time and it's their schedule that drives when work commences.

TRUSTEE WILLIAMS: Any of the Board members have any questions regarding this?

TRUSTEE BREDEMEYER: Any thoughts of approaching, I believe it's the park district to possibly stage on the vacant lot that is immediately to the east of the road in the right-of-way? It's just, there have been, there is a past history of New Suffolk suffering interminably and being miserable with construction during the summer, and it's just a thought, I don't know whether the, obviously, the district would have ramifications with the district commissioners liability, but they, in deference to the community you might just want to have the builder contact --

MR. KIMACK: I can discuss with North Fork whether we can, basically. This type of work requires generally a quite high level of ambience in terms of noise. You are raising this up with crews and --

TRUSTEE BREDEMEYER: I guess the concern with how much equipment, some of us have seen work with some of the major house movers and the cribbing and the equipment necessary to jack it up, there is not a lot of room around here. Obviously if we can encourage getting along with the community, we are kind of busy and the kind of phone calls that occupy the clerks' time when these things go bad.

MR. KIMACK: I'll bring that concern back to North Fork Woodworks and impress upon them there is a concern in terms of sensitivity of the activity going on within the summer season. If in fact that's when it occurs. And I can't give you an answer to that at the present time.

TRUSTEE WILLIAMS: Is there anybody else here that wishes to speak to this application?

(Negative response).

Any other questions from the Board?

(Negative response).

At this point I make a motion to close the public hearing.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: At this point I would like to make a motion to approve the application as submitted.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

MR. KIMACK: Thank you.

TRUSTEE DOMINO: Number three, J.M.O. Environmental Consulting on behalf of **CHARLES & BRENDA GRIMES** requests a Wetland Permit to construct a 15'x24' bluestone patio on sand; stepping stone paths; 4'x6' steps; a 4'x158' fixed dock utilizing "Thru-Flow" decking; a 3'x12' ramp; and a 6'x20' float secured by two (2) piles. Located: 4145 Wells Road, Peconic. SCTM# 1000-86-2-12.6

The Conservation Advisory Council resolved to support this application on March 14, 2018.

The Trustees most recent field inspection of this property was March 14th, at which time the notes say reviewed the

application onsite with Glenn Just of JMO, and discussed the Trustees mind concerning neighboring docks included in the folder, in the file, a study of the permitted dock structures east and west of the applicant. The study was done by Trustee Bredemeyer and is part of this file.

The LWRP coordinator did not do a review of this application. The reasoning is that the LWRP coordinator found the submission was incomplete, it's missing depths at the dock terminus and a survey showing the distance across the waterway, and the length of the dock in regard to the one-third navigation rule.

Accordingly, the point of information is these were requested and not provided by the applicant.

Is there anyone here to speak to this application?

MR. JUST: Good evening, Glenn Just, JMO Consulting. Should I just start with -- we are still working on the dock line that we discussed the plan with you, we discussed onsite, and the LWRP coordinator requested. My preliminary, I'm not that good with computer stuff, I hired somebody much younger than myself who is computer literate and we find it extremely close to what Trustee Bredemeyer came up with. My only question, not just for this particular application but for others, and we are working on cutting back the structure as we speak, but my concern is that I've gone online to look up pier lengths, dock lengths, things of that nature, and I always thought that, my feelings, the measurements should be taken from one common area, either mean high water, mean low water, because shorelines fluctuate. And also in some areas, intertidal marsh or the marsh itself, the tidal marsh, is much wider in some areas of this creek and in some areas much narrower. And to try to preserve the marsh from being trampled on, you want to have a structure spanning the marsh. And sometimes the length of that structure does not, is longer than other structures on that creek. And I always thought that, my feeling is that a lot of these situations the length of the dock should be determined upon depth. And this is just a question that I'm throwing out, like I said, it's still a work in progress that we are working on.

What we got from the Trustees office, I did FOIL that report you had done and we are working on that. That's what we are working on. Some of the docks in that area are built off bulkheads where they don't have to span into intertidal marsh. So these are the different factors I'm taking in when I do my follow-up report. That's what I want to report. If you guys have any questions, that's what I'm here for.

TRUSTEE GOLDSMITH: Thank you.

TRUSTEE DOMINO: Thank you, for your input. We are reluctant to discuss this at this point because the file is incomplete.

MR. JUST: Okay, I just want to put that into the record. That's all.

TRUSTEE DOMINO: Anyone else wish to speak to this application? (Negative response).

Hearing no further comments, I'll make a motion to table this.

TRUSTEE BREDEMEYER: Second.

MR. HAGAN: Which meeting do you wish to table to?  
TRUSTEE DOMINO: Which meeting would you like to table to?  
MR. JUST: Do I have to make the decision right now?  
I'll try to get it done for April 18th meeting. That is my attempt. If I can't do it, I'll contact the Board.  
MR. HAGAN: Just because the meetings are so close together we need to know for the sake of the motion. If you can't do it in two weeks, it's understandable.  
MR. JUST: I understand.  
TRUSTEE DOMINO: I'll amend, to table to the next meeting.  
TRUSTEE BREDEMEYER: Second.  
TRUSTEE DOMINO: April 18th.  
TRUSTEE BREDEMEYER: I'll second that.  
TRUSTEE DOMINO: All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: Can we take a five-minute break  
TRUSTEE DOMINO: Yes, five minute break, please.  
(After a recess these proceedings continue as follows).

TRUSTEE DOMINO: We'll go back on the schedule.  
TRUSTEE BREDEMEYER: We are back on the record. Item number four, Charles R. Cuddy, Esq., on behalf of **EDWARD AND DIANE DALEY** requests a Wetland Permit to construct additions and alterations to the existing dwelling consisting of squaring off seaward side of dwelling and constructing second-story additions to create a 2 ½ story, 76.8'x40.8' footprint dwelling; construct an 8'x75.5' seaward side porch; construct a 8'x52.10' landward side porch; construct a 13.7'x18.1' breezeway leading to a proposed 26'x30' attached garage on landward side of dwelling; reconfigure existing driveway approximately 15'-20' to the south to accommodate new garage; construct a 40'x24' swimming pool with 9'x9' hot tub; install a 60'x63' pool patio with 20 sq.ft. patio connecting pool patio and garage; and install a 6' wide concrete walkway from pool patio to dwelling.  
Located: 1350 Paradise Point Road, Southold. SCTM# 1000-81-3-23

The project has been determined to be consistent under the Town's LWRP with the one issue noted that they do require a pool dewatering well. In other words a pool drywell, which the Board also did not locate on the project plans during the course of field inspection.

The Conservation Advisory Council does not support the application because the location of the proposed addition does not conform to required setbacks and there is no drainage plan for the proposed swimming pool.

There is a letter in the file from the neighbor to Edward and Diane Daley, a Mark Miller, and he writes: With respect to the hearing for the application for the subject property indicates that his residence is immediately adjacent to the south of the applicant's property. I'm familiar with the existing property and the proposed improvement. Please note I

find the project to be consistent in size, scope and style with similar projects in the neighborhood and wholeheartedly support the application. Additionally, I do not have concerns from the standpoint of environmental impact to the adjacent waters for shellfish, bay bottom of Shelter Island Sound. That's Mark Miller.

The Board inspected the property on March 14th. At that time we noted that the project overhang on the seaward side was not staked. We did not see any plans for the septic system and we did not note drywells, for gutters to leaders to drywells on the plan, and we did not see backwash drywell for the pool.

The guideline in Chapter 275 for houses being no closer to the wetland than adjacent houses, does not seem to be met with respect to the overhang provision of the plan. And there is a prior permit for the property, Wetland #8115 issued in 2013. And it would appear that the provisions in that permit may be in question, may be in violation in that there is extensive cutting of vegetation on the downslope toward the bulkhead. And a review of Google Maps indicates there may have been trees removed as well.

And the Board would certainly, in going forward in discussions with the applicant, would want to have in force the previous permit's non-turf buffer requirements and possibly have additional non-turf area.

Is there anyone here wishes to speak on behalf of this application?

MR. CUDDY: Yes, Charles Cuddy, on behalf of the applicant. Just as far as the approvals go, I also note the Zoning Board of Appeals reviewed this application and also the DEC has given us a letter of no jurisdiction. I want to make sure that is part of the record as well.

TRUSTEE BREDEMEYER: Thank you. Yes.

MR. CUDDY: I think this application is really about renovating a house and also building really back landward of what is there. The only small part of the forward is the small, and it's eight-foot wide, porch that is in the front. Mr. Daley is here, he purchased this within the past year, had nothing to do with cutting down. I have been to the site a number of times. Anything that had been done was done previously to his purchase of it. So he's not part of what happened there. But I think we can take measures to satisfy the Board. So there won't be any problems. The architect John Nastasi is here tonight and I think he can address your concerns about drainage. I don't think there should be a problem. We can take care of whatever drywell drainage we need. Again, this is an application that really is all landward of the existing building. It's going to involve the existing building. It is going to involve the pool, garage. The lot is a large lot, it's treed, but the trees are basically at the roadside, at this point. I think there is not a lot to say except if, as you already indicated, that this is a site that is going to be really renovated, bring it up to date. It's an old house that is there. I think Mr. Nastasi could show you the site



if you would like to see it how it's going to be and also maybe address the question of drainage.

TRUSTEE BREDEMEYER: Thank you. I know the interest of the Board when it comes to the setbacks so they are not going closer. The neighbor's letter endorsing the project is really the only one whose eye view is impacted by the new construction. So that would be a matter the Board would probably want to discuss further in relation to the code, you know, prerogatives concerning not going closer to the bank. We now recognizing that there is a new owner there, we did notice that the cutting did appear to be historic, but we will definitely want to review the permit conditions from the prior permit and possibly, maybe meet with the owners or someone representing them to discuss some type of vegetation plan so that we don't have a continued, you know, situation with either protected vegetation or an area that has been protected from being disturbed.

Typically, with respect to pool drywells and gutters and leaders to drywells, that would be part of a drainage plan that should be incorporated in the file that would both be reviewed by this Board and also by the town engineering department for site drainage requirements.

MR. CUDDY: So you would like us to submit that to you?

TRUSTEE BREDEMEYER: Yes, I would. any other members willing to speak to this? I think it might be advisable for us to do a file search and research the prior permit and meet with a representative concerning the planting plan.

TRUSTEE DOMINO: It's a good idea.

TRUSTEE KRUPSKI: Sounds like a very good idea.

TRUSTEE BREDEMEYER: And as far as staking, we usually require all projects to be staked, and since it looks like we are going to have to revisit this with respect to the drainage and compliance on the vegetation issues, we would request that it would be staked and that way we'll be able to get measurements in relation to what has been previously approved for action, vegetation, so we can draw up a reasonable request or conditions concerning a non-turf buffer. So obviously the overhang will impact the ability to grow vegetation in the overhang area, and bringing that to the front of the structure closer to the what we would consider a bluff form, although I think it may have been called a bank on the survey, but as far as our experience it's an area we want to protect, which is in everyone's interest as both wetland protection and of course the owner.

MR. CUDDY: I note it's an eight-foot stretch.

TRUSTEE BREDEMEYER: The Board will look at it. If we can have the corner staked, it's a simple staking, really, it would make it easier for us. As a matter the policy, the Board wants all projects staked.

MR. Nastasi: John Nastasi, architect, for the owners. As for the requirements for the drainage, I have no problem working with our civil engineer designing and providing drainage plans to your satisfaction.

TRUSTEE BREDEMEYER: That's great. So many pool drywells, just incorporate the new plans and you might contact the town engineers department for their requirements with respect to the level of containment you need for hardwood surfaces and impervious surfaces.

MR. NASTASI: Absolutely.

TRUSTEE KRUPSKI: And I think typically we don't like to see things seaward of the structure.

TRUSTEE BREDEMEYER: You are talking the drainage elements.

TRUSTEE KRUPSKI: Yes.

TRUSTEE BREDEMEYER: Yes, the in-ground drainage elements we try to have them located, meeting both sanitary code provisions and distance from your sanitary. And existing sanitary should be put on those plans so the engineering department also can make sure they are not inadvertently placing new drywells or pool drywells too close to the existing sanitary.

MR. NASTASI: I'll make sure that is taken care of.

TRUSTEE BREDEMEYER: Are there any other questions?  
(Negative response).

TRUSTEE KRUPSKI: Not at this time.

TRUSTEE BREDEMEYER: Okay, at this time I would move to table this application. When do you think you might have plans? We would certainly want to give you -- for the meeting on the 18th or the May meeting?

MR. CUDDY: If we can have an April date, we would prefer it.

TRUSTEE BREDEMEYER: Move to table the application to the April 18th meeting at the request of the applicant in order to provide a staking of the property. The Trustees will perform another field inspection, ideally we can coordinate with a representative of the applicant and to have a submission of drainage plans showing the outside sanitary system, gutters and leaders to drywells and a pool backwash system. That's my motion.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: You can contact the clerk for when we do our field inspection we can try and coordinate a visit to go over vegetation issues.

TRUSTEE GOLDSMITH: Number five, Alfonso Martinez-Fonts, Jr., on behalf of the **NASSAU POINT CAUSEWAY ASSOCIATION** requests a Wetland Permit for sand replenishment on the association beach by adding 250 cubic yards of sand to be graded out to 6" deep in an approximately 300' long by 45' wide area beginning at the parking lot and ending 20' landward of the average high water mark. Located: 75 Nassau Point Road, Cutchogue. SCTM# 1000-104-8-8.1

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support this application. The Trustees did a field inspection on March 14th, noting it was a straightforward application.

Is there anyone here who wishes to speak regarding this?

MR. MARTINEZ-FONTS, JR: Alfonso Martinez-Fonts, Jr., a resident of Nassau Point and also a member of the Board, if you have any questions.

TRUSTEE GOLDSMITH: Is there anyone else here who wishes to speak to this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: I make a motion to approve this application

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number six, **DAVID KRUPNICK** requests a Wetland Permit to construct an attached 852sq.ft. Two-story garage onto the landward side of existing dwelling. Located: 880 Deep Hole Drive, Mattituck. SCTM# 1000-115-12-13 David Krupp Nick, located: 880 Deep Hole Drive, Mattituck.

The Trustees visited this location on the 14th of March, noted it was straightforward. Trustees Bredemeyer, Domino and Goldsmith were present for this.

The LWRP coordinator found this to be consistent.

The Conservation Advisory Council resolved to not support the application. The Conservation Advisory Council does not support the application because the proposed structure does not meet the required setbacks.

Okay, is there anyone here that wishes to speak regarding this application?

MR. KRUPNICK: David Krupnick. If there are any questions I could answer.

TRUSTEE KRUPSKI: I guess just to clarify, the structure will be landward of the existing house and no building further seaward whatsoever.

MR. KRUPNICK: Correct.

TRUSTEE KRUPSKI: Is there anyone else that wishes to speak regarding this application?

MS. CONNOR: Connie Connor, I live on the opposite side of where they are building the building. Um, I can appreciate the application for a garage because I don't have one. I'm very jealous. And they have done a beautiful job renovating the house. My only concern is would there be a foundation and where will that landfill go? Because there is a rather large gully that is, um, kind of like a relief for the creek when Sandy kicked in and all, it definitely does all come up in there. So I didn't know what the setbacks were as far as that. But I can appreciate the application for a garage. So.

TRUSTEE KRUPSKI: Thank you. We'll look into that. Could you

just step back up, Mr. Krupnick. Could you just address the Board and just tell us will there be a foundation and, if so, where will any excavated soils go from the building.

MR. KRUPNICK: There will be a foundation for sure with footings, and anything that is excavated from there will be trucked off the property.

TRUSTEE KRUPSKI: So to an upland-approved source.

MR. KRUPNICK: Yes. I know exactly where she is talking about.

TRUSTEE KRUPSKI: Yes, we obviously don't want to see anything dumped in there.

MR. KRUPNICK: Absolutely not.

TRUSTEE KRUPSKI: Thank you, for your answers and concern. Does anyone else wish to speak regarding this application or are there any comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application as submitted.

TRUSTEE WILLIAMS: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: Number seven, En-Consultants on behalf of **PETER NEGRI & ELIZABETH KAYE NEGRI** request a Wetland Permit to demolish and remove existing 16'x21' attached greenhouse and construct in its place a 16'x7' first-story attached pool cabana addition and 4'x5.5' outdoor shower; construct a 20'x40' in-ground swimming pool (partially in place of greenhouse and 87 sq.ft. of existing on-grade patio to be removed); construct an 884 sq.ft. raised masonry pool patio around swimming pool (partially in place of greenhouse and 166 sq.ft. of existing on-grade patio to be removed) with 1'x5' step to grade and 2'x4.5' steps to on-grade patio; construct 124 sq.ft. expansion of on-grade masonry patio (partially in place of existing gravel patio); construct a 7'x10.5' attached exterior storage shed adjacent to dwelling; remove existing concrete pad and construct 7'x20' trellis over existing AC units; install pool enclosure fencing; remove approximately 35 cubic yards of soil material from behind existing boulder retaining wall and realign wall to allow for pool installation by removing 58 linear feet of existing boulder wall and installing 91 linear feet of boulder wall; and establish a 10' wide, approximately 2,100 sq.ft. non-turf buffer along top of bluff.

Located: 9775 Nassau Point Rd., Cutchogue. SCTM# 1000-119-1-6.1

The Trustees inspected this site on 3/14 with Trustees Bredemeyer, Domino and Goldsmith present. Notes from the inspection were: Like to see 15-foot non-turf buffer.

LWRP finds this to be consistent.

The Conservation Advisory Council supports the application

with notes they would like to see a 15-foot non-turf buffer.

At this point, I would like to open the public hearing. Is there anyone here that wishes to speak to this application?

MS. PAETZEL: Good evening, I'm Stacy Paetzel, landscape architect for the applicant. Rob Herrmann from En-Consultants was unable to be here tonight so you are stuck with me.

We are, I just want to say, I believe a plan was submitted. We agreed to the 15-foot non-turf buffer. And I believe that plan has been submitted on 3/27. We did recently obtain the variances that would be required for the project as well, so we have approval for those. I believe there was a pre-application meeting that Rob had onsite with some of the Trustees where we discussed some of the various options for the location and I think everyone was relatively in agreement this seemed to be the most suitable place where we can achieve the greatest setbacks for the project. If there are any other questions for me, I would be happy to answer them.

TRUSTEE WILLIAMS: I'm satisfied with the buffer. Is there anyone else here that wishes to speak to this application? (Negative response).

Any questions from the Board?

(Negative response).

At this point I make a motion to close the public hearing.

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE WILLIAMS: I make a motion to approve the application as submitted with the updated plans showing the 15-foot non-turf buffer.

TRUSTEE GOLDSMITH: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Number eight, Jeffrey Patanjo on behalf of **JOHN & EVELYN BRAUN** requests a Wetland Permit to remove existing fixed dock, ramp and float; construct in same location a new proposed 4'x45' fixed dock using thru-flow decking and supported with 8" diameter CCA piles; a 3'x16' aluminum ramp; and a 6'x20' floating dock using un-treated timber decking secured by two (2) 10" diameter CCA piles.

Located: 680 Deep Hole Drive, Mattituck. SCTM# 1000-115-12-9

The Trustees most recent field inspection was on March 14th, and the notes state it's a straightforward application.

The Conservation Advisory Council resolved to support this application.

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that it states the existing dock is 45 foot in length. The extension would add 22 feet for a total of 67 feet. It should be noted though, on the plans received February 15th, 2018, it shows the proposed dock is in the same location as the existing dock. It extends no further.

Is there anyone here to speak to this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. You are in fact correct. The proposed dock is a removal and replacement of what exists presently. I do have the New York State DEC permit for the construction already, so we are ready to go as far as based on approval tonight.

One topic of added interest is I was requested from Patricia Moore, unfortunately is not here today, there was some talk about the neighbor next door wanting us to lower the height of this dock to match theirs. So I have no objection to doing that and I can amend the drawings which would be going out approximately 15 to 20 feet over the wetland area, dropping it down with one or two steps and then proceeding along with a lower elevation. Just for the purposes of the visual means and whatnot. I did not discuss this with Mr. and Mrs. Braun yet so it's something that we can modify, but I don't believe it impacts the basis of this permit at all.

TRUSTEE DOMINO: Two questions. How much difference in elevation do you propose?

MR. PATANJO: I would say 16 to 18 inches. It would still meet the required setback.

TRUSTEE DOMINO: Looking at your typical section, it would result in a shortening of the fixed dock and steps on the landward side?

MR. PATANJO: Well, what I would do is go out approximately, say ten or 15 feet from the start of it at the land and then go down with a series of steps, two or three steps, then proceed out the additional 35 feet. The dock would stay in the exact same configuration, same length, same everything. Just walk along, go down a couple of steps and go out. It makes the scope of the ramp a little bit less drastic, as well.

TRUSTEE DOMINO: I'm glad you clarified that. If the seaward end stays where it is, according to your profile --

MR. PATANJO: The seaward end, yes, and it would be lower.

TRUSTEE DOMINO: Then the fixed dock and steps would have to originate where your existing grade is now.

MR. PATANJO: May I approach?

TRUSTEE DOMINO: Yes.

MR. PATANJO: (Indicating). It would come down here, ten feet out, with a series of steps. And lower this whole thing out.

It's not a bad idea. We can make that as a field change also.

TRUSTEE DOMINO: Okay. All right. We are not going to accept that as new plans.

(Laughter).

Is there anyone else who wishes to speak to this application?

MS. GARVEY: Hello, my name is Patricia Garvey, I'm here to represent my father, the owner of 600 Deep Hole Drive, John J. Garvey.

We looked at the proposed plan and there are certain discrepancies and my father is concerned about three things.

The height: The current height of this pier impedes our view of the waterway. Our dock is two feet above ground. We still don't know how many feet this will be above ground,

according to the plan.

Also, if you look at the dock as it is now, then you compare it to the math in the plan, it will be further extended by seven inches past our current slope, and if you attach a boat to that, that boat will be in the channel. So that's a major concern.

The third concern is -- I dealt with the height. The water depth. We had a water survey done on a dock built in 2011 and Mr. Fox, actually performed a water survey, which I have with me, and we are not quite sure where the three feet, which exists in the current plan, proposed plan, came from. According to our water survey, they have less than two feet. So my father is concerned that the float will sit on the bottom. Depending on what they are going to use or what mechanism they are going to use to float it. So those are the three concerns my father has: The length, the height and the depth of the water where the float will be.

I have a copy of it if you want to see it.

TRUSTEE BREDEMEYER: Those are reasonable concerns. The variance in height we have on many of the docks, it's from a succession of Board approvals and Army Corps approvals and DEC approvals which have variously controlled depth trying to control vegetation underneath. So it's already been information projected to the dais that we'll be getting a lowering, which will serve everybody's purposes.

MS. GARVEY: Will the height of it be reflected in the amended plan?

TRUSTEE BREDEMEYER: It would have to, yes. It has to be. The plans we have here do not show it any further seaward than the existing docks, so.

MS. GARVEY: It's not consistent with the height of any of the docks on Deep Hole Creek.

TRUSTEE KRUPSKI: I think we are past the height because we are moving in a positive direction, we are going down, which for the record I think we are all a fan of.

TRUSTEE BREDEMEYER: The seaward extension, as it is proposed, if the Board were to approve it, we typically will not allow for a seaward extension to go further seaward of the pier line, meaning we would not let it go further seaward than the neighbors.

MS. GARVEY: Okay, because the map --

TRUSTEE DOMINO: Have you seen these plans?

MS. GARVEY: I have.

TRUSTEE DOMINO: Because it shows the new float -- if you can approach.

MS. GARVEY: (Perusing).

TRUSTEE DOMINO: The dash line is the old float. This is the new float.

MS. GARVEY: If you do the math, it extends (indicating).

TRUSTEE DOMINO: The float is in the same --

MS. GARVEY: (continuing) so if you put a boat on that, we'll have to go around the boat. So it's kind of dangerous.

TRUSTEE DOMINO: For the record, it shows the float in the same position.

MR. PATANJO: The float is in the same position. I drew it so you can see the old float just past that line. It's not going to be any more seaward.

TRUSTEE BREDEMEYER: Concerns for the bottom are always appreciated.

MR. PATANJO: What I did was, this is a removal and replacement of the existing. That is number one. Number two, I can certify the fact I went out there to set the stakes. I did that myself, with waders which leak, by the way. And I was in this height (indicating). I'm 6'4". So we are at dead low tide. So we have absolutely 30-inches of water, 36-inches of water.

MS. GARVEY: Not according to our survey, which was done in 2011.

TRUSTEE DOMINO: Is everyone satisfied?

(Affirmative response).

TRUSTEE KRUPSKI: Just for point of clarification, which dock is yours on the aerial map there?

MS. GARVEY: Sure. Here is ours (indicating). So if this is extended according to the plans seven inches, then you add a boat to that, this will sit here. And here, it's completely shallow, when boats pass my boat, there is like a foot or else they are hitting bottom.

So if it's further out, they will have to go around this and then recover. That's a concern. So with the 16-foot gang plank, ours is ten. We tried get 12. The Trustees said no to that and they suggested ten.

MR. PATANJO: Just a few items I would like to add, if I may. We are not extending the float out any further than what is existing. We do meet the one-third waterway and we are in line with the neighboring docks.

MS. GARVEY: Here is the survey done by Fox in 2011.

TRUSTEE DOMINO: Can we accept this?

MR. HAGAN: (Perusing).

TRUSTEE WILLIAMS: Do you have precautions on your floating dock? Do you have chocks on your dock so it doesn't go down?

MS. GARVEY: What we initially did, I don't know what you call them, I think they're called cants underneath, the black boxes, they didn't work. So we had to go with styrofoam.

TRUSTEE WILLIAMS: On your float, is your float allowed to freely follow with the tide or do you have provisions on your dock to stop your float from going down?

MS. GARVEY: No, it freely goes up and down.

TRUSTEE KRUPSKI: Your float doesn't hit the bottom where you are there?

MS. GARVEY: No, but we have deeper water.

TRUSTEE KRUPSKI: Can I see the hydro survey when you are done with it?

MR. PATANJO: Keep in mind, it's seven years ago.

MS. GARVEY: If anything, it's gotten more shallower in the last seven years.

TRUSTEE KRUPSKI: So we are at 2.2, right? And this one --

MS. GARVEY: Also the current float is a plastic float which is flat on the bottom.

MR. PATANJO: Is that on elevation or depth of water?

MS. GARVEY: It's depth.



TRUSTEE KRUPSKI: It's computed in.

TRUSTEE BREDEMEYER: I don't see any material difference. I'm not seeing the difference here.

TRUSTEE WILLIAMS: That's my playground and I don't --

TRUSTEE BREDEMEYER: No

TRUSTEE DOMINO: We'll accept that and add it to the file. I appreciate your comments, unfortunately, I don't see a material difference. If the Board were to do nothing, we have to, we are at the same distance out from the shore as the proposed for the new construction. And that would leave you with the height element that you don't, you are looking to reduce, and the new proposed dock has thru-flow, so it's, generally they can go two-and-a-half feet above the wetlands.

MR. PATANJO: Technically, not according to the Army Corps of Engineers, but we don't worry about them now because we don't need them.

TRUSTEE DOMINO: Subject to your new plans.

TRUSTEE WILLIAMS: I would like to state that I'm very familiar with that waterway, having grown up on Deep Hole Creek, and as more people have put boats, that curve coming in around there is becoming tighter. When I was a kid, the biggest boat on the creek was 19 feet. Now it 35, 36-foot boats in there. But that channel is plenty deep, plenty wide. I have never had an issue, and I was all the way up at the head of the creek by Ruland's property, where my dock was, so.

MS. GARVEY: I can tell you that every summer we have to tow boats that get stuck on the sand bar in there. A dozen times. It's getting more shallow every year.

TRUSTEE WILLIAMS: If they don't know how to navigate the creek, that's their issue. But as far as the channel width there, you know, I'm friends with Greg Varr on the point, I'm out on his boat frequently. We never have an issue going through there. And he has 25 feet, he's drawing about 2.8 feet.

MS. GARVEY: Well, all I can tell you is my family has been on the creek since 1959 and my father is very concerned about what they are going to put on the end of that float and the boats that will have to go around it.

TRUSTEE WILLIAMS: I'll grant you it gets tight going through there sometimes. So.

MR. PATANJO: If I can add another something for my client, they do have the option to just leave it the way that it is with an old, defunct, falling-down pier in the same exact location with the same exact situation they are in right now, which is there. We are trying to do a new structure with the lowered height to help with the visibility problem and also to protect it against loss during a storm, washing up, hitting something. So it is a brand new structure in the same location.

MS. GARVEY: Please don't get me wrong, my father supports this build. It would be the first improvement made to this home in ten years. But he has three concerns about the proposed plan, which is why I'm here.

TRUSTEE DOMINO: Thank you.

TRUSTEE WILLIAMS: Thank you.

TRUSTEE DOMINO: Anyone else wish to speak to this application?

(Negative response).

Any further questions or comment from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE GOLDSMITH: Second

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I make a motion to approve this application subject to the submission of new plans showing the reduced height.

TRUSTEE BREDEMEYER: Second that.

TRUSTEE DOMINO: Motion made and seconded. All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number nine, Jeffrey Patanjo on behalf of **KAREN & CAREY FLAHERTY** requests a Wetland Permit to remove existing fixed dock and steps to beach, and replace with a proposed 4'x68' fixed dock supported with 10" diameter CCA piles; install a seasonal 30"x16' aluminum ramp; install a 6'x20' seasonal floating dock with un-treated timber decking situated in an "I" configuration and supported by two (2) 10" diameter CCA piles.

Located: 1077 Bay Home Road, Southold. SCTM# 1000-56-5-39

There is no LWRP report on account of the LWRP coordinator indicates that the submission is incomplete by the applicant.

The Conservation Advisory Council supports the application with the request of a ten-foot non-turf buffer planted with native vegetation at the landward edge of the lawn.

The Board has already concluded the SEQRA review which includes many of our concerns, specifically on March the 14th, the Board made specific notations there is no existing dock; there is a small what you would call a deck or very small catwalk, but it's really mostly a deck to stone steps. There is a pre-existing dock that does not conform to the current dock standards to the west so that it's not readily applicable to use this to establish a pier line. And the Board, in developing guidance for open water areas, noted that the fetch exceeds 10,000. It's actually much more than that. It's on the order of miles. So on certain storm conditions that the project would be subject to extreme potential for wave damage to vessels.

Is there anyone here who wishes to speak to this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. With regard to storm damage, it is indicated on the drawings that the proposed project includes a seasonal float and ramp that would be removed seasonally to avoid damage to those, and it's significantly shorter than the dock to the west, which is a big dock with floats floating, it's also got hoists and lifts.

It is contained in line with the existing stone jetties which will protect it a bit also. And it's going to be built to

modern construction methods which will protect it for a long period of time against storm damage.

TRUSTEE BREDEMEYER: Any questions or concerns of the Board?

TRUSTEE KRUPSKI: Not at this time.

TRUSTEE BREDEMEYER: Just for your information, we don't have a full report. That being said, anyone else who wishes to speak to this application?

(Negative response).

Seeing no further person, we will have to wait for the LWRP coordinator's report. So accordingly, I move to table this application. Which meeting would you like?

MR. PATANJO: I'll be here, whenever you want. Whenever it comes in. Whenever you get it.

MR. HAGAN: Does he have the additional information?

MR. PATANJO: I e-mailed information that night. I know I stayed late in the office to get it to him on time.

MR. HAGAN: All right, then you can do the next meeting if you want.

TRUSTEE BREDEMEYER: So we'll try to move to table this project to April 18 with the applicant, for completion of the report.

TRUSTEE DOMINO: Second?

TRUSTEE KRUPSKI: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

TRUSTEE DOMINO: Motion to adjourn.

TRUSTEE BREDEMEYER: So moved.

TRUSTEE DOMINO: Second?

TRUSTEE BREDEMEYER: Second.

TRUSTEE DOMINO: All in favor?

(ALL AYES).

Respectfully submitted by,

A handwritten signature in dark ink, reading "Michael J. Domino". The signature is written in a cursive, flowing style.

Michael J. Domino, President  
Board of Trustees